

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FRANK R. REYNOLDS,

Petitioner,

Case No. 00-CV-40094
Case No. 81-CR-50046

v.

Paul D. Borman
United States District Court Judge

UNITED STATES OF AMERICA,

Respondent.

ORDER GRANTING PETITIONER'S MOTION FOR
LEAVE TO APPEAL *IN FORMA PAUPERIS*

This matter is before the Court on Petitioner's Motion to Proceed on Appeal *In Forma Pauperis*. (Dkt. No. 268.) Petitioner seeks leave to appeal (1) this Court's November 16, 2009 Order Denying Motion for Return of Forfeited Funds (Dkt. No. 265); and (2) this Court's November 16, 2009 Order Denying Motion for Return of Fine (Dkt. No. 266).

Petitioner requests to proceed *in forma pauperis* on appeal. "Federal Rule of Appellate Procedure 24(a)(1) provides that a party to a district court action who desires to appeal *in forma pauperis* must file a motion in the district court. An appeal may not be taken *in forma pauperis* if the court determines that it is not taken in good faith. 28 U.S.C. § 1915(a)(3). "[T]o determine that an appeal is in good faith, a court need only find that a reasonable person could suppose that the appeal has some merit." *Walker v. O'Brien*, 216 F.3d 626, 631 (7th Cir. 2000).

“Good faith merely requires a showing that the issues are arguable on the merits; it does not require a showing of probable success.” *Foster v. Ludwick*, 208 F. Supp. 2d 750, 765 (E.D. Mich. 2002). Therefore, the Court finds that Plaintiff's claims are being brought in good faith and, therefore, his request to proceed *in forma pauperis* is GRANTED.

IT IS SO ORDERED.

S/Paul D. Borman
PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

Dated: March 8, 2010

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on March 8, 2010.

S/Denise Goodine
Case Manager